

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015070358

ORDER DENYING JOINT REQUEST  
FOR CONTINUANCE

On July 21, 2015, the parties filed a joint first request to continue the dates in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

The parties have request mediation on August 31, 2015, which falls on a Monday. OAH sets mediations on Tuesdays, Wednesdays and Thursdays. Please refer to the current OAH Special Education Case Scheduling Guide on the OAH website at:

[http://www.documents.dgs.ca.gov/oah/SE/Scheduling\\_Guide.pdf](http://www.documents.dgs.ca.gov/oah/SE/Scheduling_Guide.pdf)

The parties have requested a continuance of the hearing dates, and OAH is inclined to grant the continuance. However, the parties have requested a continuance in excess of 120 days without a showing of good cause for such an extended delay in bringing this due process matter to hearing. The parties may re-submit the request to continue after they have agreed upon hearing dates within 90 days of the initial hearing date, or with a showing of good cause for later dates. If the parties are unable to agree on hearing dates within 90 days, they may request OAH to select dates. Alternatively, the parties may seek to establish good cause for a continuance at the prehearing conference

IT IS SO ORDERED.

DATE: July 22, 2015

/s/

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ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings